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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3238**
Kazuo HATA et al. : Attorney Docket No. 2005_0627A
Serial No. 10/530,887 : Group Art Unit 1794
Filed April 11, 2005 : Examiner William P. Watkins III
ELECTROLYTE SHEETS FOR SOLID : Mail Stop: Amendment
OXIDE FUEL CELLS AND
PRODUCTION PROCESS THEREOF

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of January 22, 2009, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1-4 and 8-9 under 35 U.S.C. §103(a) as being unpatentable over Hata et al. (referred to by the Examiner as Kazuo et al.) (JP '438) in view of Badding et al. (US '920) is respectfully traversed.

The Examiner takes the position that Hata et al. teach a zirconia sheet used for a solid electrolyte that has maximum surface roughness of 0.3 to 3 microns and an Ra of 0.02 to 3 microns that has enhanced ability to adhere to electrodes in fuel cells; and that Badding et al. teach the optimization of surface roughness of an electrolyte layer on both sides between electrodes with a surface roughness of greater than 0.2 microns to increase power density. The Examiner then argues that it would have been obvious to have optimized the peak height and